

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

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In re:

Michaelle L. Aquino,

Debtor(s).  
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Chapter 13

Case No. 18-46982-CEC

ORDER TO SHOW CAUSE WHY DEBTOR'S COUNSEL SHOULD NOT BE  
SANCTIONED FOR FAILURE TO PROVIDE ADEQUATE REPRESENTATION  
TO THE DEBTOR

WHEREAS, on December 4, 2018, Michaelle L. Aquino filed a voluntary petition for relief under Chapter 13 of the Bankruptcy Code; and

WHEREAS, the Debtor is represented by Michael A. King ("Debtor's Counsel"); and

WHEREAS, the Debtor's filings were deficient in that they did not include various information required pursuant to Section 521(a)(1) (the "Section 521(a)(1) Information"); and

WHEREAS, notices of the deficient filing were sent to the Debtor and Debtor's Counsel; and

WHEREAS, a case "shall be automatically dismissed" pursuant to Section 521(i)(1) if the Section 521(a)(1) Information is not filed within 45 days of the filing of the petition, unless the debtor, within 45 days of filing the petition, requests an extension of time to file such information pursuant to Section 521(i)(3); and

WHEREAS, the Debtor did not timely file the Section 521(a)(1) Information or timely request an extension of time to do so; and

WHEREAS, on January 18, 2019, the Chapter 13 Trustee filed a motion (the "Trustee's Motion") to dismiss the above-captioned case, and for sanctions against Debtor's Counsel for misconduct pursuant to Rule 9011 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules") for the failure of Debtor's Counsel to appear at the initial 341 meeting of creditors held on January 16, 2019 and failure to comply with 11 U.S.C. § 329 and Bankruptcy Rule 2016(b) (Official Form 2030); and

WHEREAS, on February 7, 2019 a hearing was held on the Trustee's Motion, at which there was no appearance by Debtor's Counsel, and the Trustee was directed to submit an order dismissing the Debtor's bankruptcy case and retaining jurisdiction to hear and determine the imposition of sanctions, if any, against the Debtor's Counsel; and

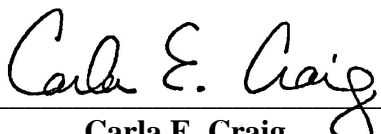
NOW, THEREFORE, IT IS

ORDERED, that the Debtor's Counsel shall appear on **March 7, 2019 at 2:00 p.m.** in Courtroom 3529 at the United States Bankruptcy Court for the Eastern District of New York, 271-C Cadman Plaza East, Brooklyn, NY 11201, and show cause why the Debtor's Counsel should not be sanctioned pursuant to 11 U.S.C. § 105(a) and Bankruptcy Rule 2017 for failure to provide adequate representation to the Debtors, and why the Court should not suspend his CM/ECF user account; and it is further

ORDERED, that failure to comply with this order shall be additional grounds for sanctions.

**Dated: Brooklyn, New York  
February 21, 2019**



  
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**Carla E. Craig**  
**United States Bankruptcy Judge**